

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DANA JENNINGS and JOSEPH A.	:	
FURLONG, Individually and on Behalf of	:	
All Others Similarly Situated,	:	
	:	
Plaintiffs,	:	CIVIL ACTION NO. 21-5400
	:	
v.	:	
	:	
CARVANA LLC,	:	
	:	
Defendant.	:	

ORDER

AND NOW, this 2nd day of November, 2022, after considering the defendant's motion to stay proceedings (Doc. No. 40) and motion for extension of time to file an answer to the amended complaint (Doc. No. 41); and after considering the plaintiffs' response to the motion to stay (Doc. No. 45); and the court recognizing that the plaintiffs have also filed a motion to certify class under Rule 23, appoint plaintiffs as class representatives, and appoint class counsel (Doc. No. 46); and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The defendant's motion to stay proceedings (Doc. No. 40) is **GRANTED**. This action is **STAYED** pending resolution of the defendant's appeal to the Third Circuit Court of Appeals;
2. The defendant's motion for extension of time to file an answer to the amended complaint (Doc. No. 41) is **GRANTED** to the extent that the defendant sought an extension of time to file an answer to the amended complaint pending resolution of its motion to stay;

3. The deadline for the defendant to file an answer to the amended complaint is **STAYED** pending further order of court;¹

4. The initial pretrial conference currently scheduled for November 29, 2022, at 11:00 a.m. is **CANCELED**;

5. The plaintiffs' motion to certify class (Doc. No. 46) is **DENIED WITHOUT PREJUDICE** to the plaintiffs to reassert it if the Third Circuit concludes that this matter may proceed further in this court; and

6. The clerk of court is **DIRECTED** to **PLACE** this matter in **CIVIL SUSPENSE** pending further order of court.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.

¹ The court will set a new deadline for the defendant to file an answer to the amended complaint if the Third Circuit Court of Appeals determines that this matter may proceed here.